

**REMARKS**

Reconsideration of this application is respectfully requested.

Claims 1, 3-5, 7-14 are currently pending in this application, with Claims 1 and 9 being independent.

In the Final Office Action, Claims 1-6, 9, and 12-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Eklund et al.* (NPL: IEEE C802.16-02/05 “A Technical Overview of the WirelessMAN™ Air Interface for Broadband Wireless Access”).

Claims 7, 8, 10 and 11, are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Eklund* in view of *Mizell et al.* (U.S. Pub. No. 2002/0077097).

In this Submission, Claims 1, 3, 7, 9, 10, 12-14 have been amended. No new matter is presented.

Regarding the § 102(b) rejections of independent Claims 1 and 9, Applicants have amended the claims as set forth above. Applicants respectfully submit that these amendments are patentably distinguishable over the cited art. At the very least, the cited references fail to disclose “transmitting a first ranging response message including first state control information to the subscriber station in response to the ranging code” and “receiving a bandwidth request code from the subscriber station after transmitting the first ranging response message” and “transmitting a second ranging response message including second state control information” as recited in amended independent Claims 1 and 9.

Specifically, independent Claims 1 and 9 are directed to transmitting, by a base station, a first ranging response message including first state control information to a subscriber station in response to a ranging code, and then transmitting a second ranging response message including second state

control information to the subscriber station in response to a bandwidth request code. Accordingly, after the subscriber station controls its state by the ranging response message according to the ranging code, it controls its state by the ranging response message according to the bandwidth request code again. That is, the ranging response message includes the state control information at least two times through at least two ranging processes. However, *Eklund* does not teach that at least two ranging processes are performed and the ranging response message, which is different from the ranging response message according to the ranging code, is transmitted in response to the bandwidth request code.

For the foregoing reasons, it is believed that independent Claims 1 and 9, as amended, are patentably distinguishable over the cited references. Without conceding the patentability *per se* of the dependent claims, they are also believed to be patentable over the cited art for at least the above reasons.

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact the undersigned at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Owens III', with a stylized flourish at the end.

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